

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TYREE MILES,	:	
Petitioner	:	CIVIL ACTION
v.	:	
	:	NO. 10-2047
COMMONWEALTH, et al.,	:	
Respondents.	:	

ORDER

AND NOW, this 24th day of November, 2010, upon careful and independent consideration of the petition for a Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (*Doc. No. 8*), to which no objections have been filed, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The Petition for a Writ of Habeas Corpus is **DENIED without prejudice** for failure to exhaust state court remedies.
3. Petitioner's request for a stay of state court proceedings is **DENIED**.
4. There is no basis to issue a certificate of appealability.
5. The Clerk of Court shall mark this case closed for statistical purposes.

IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.